

1568

9004

1568

9004


THE

TRYAL

OF

Sir Chalonar Ogle, Kt.

(Price 6d.)






(10 0217)



MR. *CONCANE N*
TO
Sir *CHALONER OGLE*,

Acquainting him with the Governor's Orders to prosecute him for the Assault.

S I R,

 T gives me much Pain to do any thing that looks like a Deviation from the Regard and Esteem which I always professed and still have for Sir *Chaloner Ogle*, but as I have the Honour to serve his Majesty in an Office which I am to execute as well at the Instance of the meanest as of the greatest of my Fellow-Subjects, I
A am

am in hopes I shall give no Offence in the Performance of my public Duty, especially where I never intended any in my private Character. ance to
Cause
Country

I have, this Day, received Orders from his *Excellency the Governor*, to prosecute you at the ensuing *Grand Court*, for an Assault upon his Person, committed on the 22d Day of last Month ; which Assault, tho' perhaps a minute one, is greatly aggravated by the Authority and Dignity he stood invested with.

There is one Part of my Orders which is perfectly agreeable to my Inclinations, that is, to treat you with all the Respect and Civility which is due to your Character and Station. In this be assured I shall be punctually obedient, and therefore take the Liberty of previously acquainting you with what is intended, that you may not by Surprize lose or forego the necessary Assistance of your Friends and Advisers. Those Friends are best able to inform you what Steps are proper to be taken in the present Case : I shall only presume earnestly to exhort you to give in a legal Appearance Spa
Aug

(7)

ance to this Suit, and put yourself and your
Cause upon the Determination of your
Countrymen and Fellow-Subjects.

I am,

S I R,

(With great Truth and Esteem,)

Yours, &c.

Spanish Town,
Aug. 27. 1742.

N A R-



NARRATIVE OF THE TRYAL.

AT the Tryal of Sir *Chaloner Ogle*, for an Assault on the Person of the Governor, in his House at *Spanish Town*, on the 22d of *July* last past, after a Council of War, the respective Members being those that were assembled for that purpose, upon the Governor's own Information before the Chief Justice and four Assistants, on the 3d of *September* 1742.

The Attorney General, assisted with two more Council, opened the Information, charging Sir *Chaloner Ogle* with having given contumelious Language to the Governor, and assaulted him by clapping his Hand to his Sword in a threatening manner: They aggravated the Charge with
the

the Consideration of the *Governor's* high Rank and Dignity, and his representing the *King's* Person.

The first Person called to give Evidence was *General Wentworth*, who deposed, that in Conversation during the Council of War, Sir *Chaloner Ogle* had expressed himself with more than usual Warmth; but being asked if he used any uncivil or unbecoming Language, he said No; and if this warm Discourse of Sir *Chaloner Ogle* was directed to the Governor, he answered, No, that it was either to him or *Brigadier Blackeney*.

Brigadier Blackeney deposed to the same Effect, so that their Evidence relating to Conversation that happened some Hours before the Question in debate, and entirely foreign to it, it was regarded accordingly and no Inference from it addressed either to the Court or Jury.

The *Governor* being sworn opened his Evidence with great Caution and adviseable Perturbation of Mind, and directing himself to the Court said, He hoped if his Memory did not serve him to be nicely particular

cular as to every minute Circumstance, that the Substance of his Evidence might be principally regarded, which should be strictly agreeable to Truth. He then went on to give some general Account of the *Council's* meeting and dining together, and of his leaving the Room afterwards, (as he thinks, to take his Leave of the *General* and *Brigadier Blackeney*) but he returned soon after with a Paper in his Hand, and seeing Mr. *V*—— and Sir *Chaloner Ogle* sitting at the Table, thought it a proper Occasion to shew it to Mr. *V*——, it being a Memorial from some Master of a Northern Vessel complaining of his *best Hands* being pressed. Mr. *V*—— answered, That if the Man expected Redress, he should have complain'd to him, that the Paper was signed by Nobody, and therefore deserved no Notice. That he supposed *Dicker* was concerned it, who was a troublesome, malicious Fellow, and had lately been propagating a scandalous Complaint against himself. To which Mr. *Trelawney* replied, That he took Mr. *Dicker* to be a quite different Person, and a very honest Man, and what he had remonstrated against *Pressing*, was from a Conviction of the Injury it did to Trade,
and

and not from any Malice or evil Design. But Mr V——, very much disatisfy'd, reply'd, These were *Chimeras* of his, and he desired to be troubled no more with them. Mr. *Trelawney* adds, that this was not the first Affront he had received from Mr. V——, and told him, that he (Mr. V——) should never be troubled with any more *Chimeras* of his, and thinks, but is not certain, he is almost assured; he knows he had it in his Thoughts, and believes that he said, he desired to be troubled with no more of Mr. V——'s *Chimeras*.

The Conversation between the A——1 and the Governor ending in this Manner, Sir *Chaloner Ogle* said, that this *Dicker* was a *Scoundrel* and a *Rascal*; and Mr. *Trelawney* reply'd, with great Coolness, He did not deserve to be treated in that Manner. Then Sir *Chaloner Ogle*, in a very insulting Manner, moving himself with Passion in his Chair, answered, that *Dicker* was a *Scoundrel* and a *Rascal*. To which, Mr. *Trelawney*, with his usual Temper, reply'd, that he was no such Person, *no more a Scoundrel than Sir Chaloner Ogle*: Upon which Sir *Chaloner* immediately clapp'd his

his Hand to his Sword in the most menacing Manner, repeating several Times, *God damn me ! Scoundrel !*

The Posture and Passion Mr *Trelawney* saw him in, made him apprehend himself in Danger, and in his own Defence he made an Attempt to draw his Sword, but was prevented by Mr. *V—*, who laid hold of him ; and from that Time he was in such an Agitation of Spirits, all Nature being moved within him, from an Apprehension of an Attempt upon his Life, that he cannot remember any Passage or Circumstance that happened afterwards, 'till he found himself in the Hands of his Servants : Some Words he believes he spoke, but what they were he knows not.

The Governor was several Times asked if his Sword was not drawn before Mr. *V—* took hold of him. He as often repeated it was not drawn, neither could he draw it, while he was in the Hands of Mr. *V—* ; and how it came to be drawn afterwards he could by no Means tell. He was again questioned, if Sir *Chaloner Ogle* had clapp'd one Hand or both Hands to his Sword. His Answer was, he
could

could not be positive ; but said, that to the best of his Judgment he verily believed, that he clapp'd both Hands. He was then asked, Are you sure you saw either Hand of Sir *Chaloner Ogle* on his Sword ? He answered, He could not swear that, but Sir *Chaloner Ogle* clapp'd his Hand to his left Side, in the Manner and Posture that Men use when they draw their Swords. This was insisted to be equal to, and was a downright Assault. And after his Counsel had expatiated upon the Evidence, Mr. *V*—— was sworn.

He deposed, that in the Conversation that passed after the *General* and Mr. *Blackeney* were gone ; the *Governor* came back into the Room with a Paper in his Hand ; and not one Word of provoking or unmannerly Language was dropt from Sir *Chaloner Ogle*, or the least insulting or indecent Deportment. That from a just Sense of *Dicker's* unworthy Behaviour and general Character, Sir *Chaloner Ogle* might call him a Scoundrel or Rascal, but without any Warmth, or the least Application to Mr. *Trelawney*: Notwithstanding which, and from no other Provocation, Mr. *Trelawney* was pleased to retort it, by saying,

B

Dicker

Dicker was no more a *Scoundrel* than *Sir Chaloner himself* was. He said this with great Warmth, and became so inflamed with Passion, that his Face was disfigured, and his whole Frame alter'd; and that Moment he got up and drew his Sword, when Mr *V——* having his Eyes intent upon him, and seeing the Point of his Sword out of the Scabbard, laid hold of him, and mastering his Sword-hand, kept pressing upon him, 'till in struggling he went out of the Room backwards. That he had used several passionate Words, crying *Get out of my House*; and during the whole Time, he neither saw nor heard *Sir Chaloner* behave in any threatening or insulting Manner.

'Tis true, that *Sir Chaloner* repeated the Words *Scoundrel* after the *Governor*; but when the *Governor* rose in that Passion, and was held by Mr. *V——*, he did not hear *Sir Chaloner* reply one Word, to the many offensive ones that came from the *Governor*; nor was his Sword once drawn while he was in the House.

Mr. *V——* went on and said, That whatever contumelious Language, or Assault

fault there was, the whole proceeded from Mr. *Trelawney*, and he alone was chargeable therewith. That he believed the great Passion he was then in, made him scarce know what he did, nor has he been able to remember since ; and he is more willing to believe this, *as he knows not what Excuse can be made for the Crime he had just committed, in swearing, as he has done, intirely foreign and remote from the Truth.*

Mr. V——, notwithstanding so clear and manifest an Evidence of the Fact, was ask'd by the *Chief Justice* and the *Council* for the *Governor*, Whether Sir *Chaloner* had, or had not his Hand upon his Sword, when Mr. *Trelawney* was in that Fury ? To which he reply'd, that he could not absolutely say, because his Eyes being intent upon Mr. *Trelawney*, whom he considered as the dangerous Person and the Assailant ; and presently seizing of him, to prevent Mischief, his Eyes were drawn from Sir *Chaloner*, and he was rather behind him, so that he could not swear positively as to his Posture.

This served the Governor's Council for a Plea, that Mr. *Trelawney's* Evidence

as to the Assault, was not contradicted, and was therefore proved, and the Jury confirmed it by a Verdict against Sir *Chaloner Ogle*.





A----- V-----

TO THE
GOVERNOR of Jamaica.

Boyne, Oct. 4, 1742.

S I R,

I Have received your Excellency's Favour of the 2d ult. and was pleas'd to find our Resolutions met with your Approbation, though you have not thought proper to favour us with your Company in concerting them. As I am now speedily going to leave this Island, and think it
my

my Duty to give my Advice in what appeared to me to be so necessary for his *Majesty's Service*, you will be so good as to excuse me on this Occasion, tho' I give my Advice unasked for, since that is my principal Motive to it.

Your Excellency knows I was present both at the Transaction and Trial, you thought proper to have Sir *Chaloner Ogle* summoned to for an *Affault*; and being convinced from both, and all I have since heard mention it, that you were the *Aggressor both in Word and Deed*, and considering likewise its being in your own House, I own it is a Matter of Surprize to me, that you have never since thought of making that Apology to Sir *Chaloner*, for such indecent Expressions of Passion, which is what I cannot but say you ought to do; and as I well know Sir *Chaloner's* generous and humane Nature, I am persuaded, in regard for his *Majesty's Service*, he would make no Difficulty of accepting a Gentleman-like Apology in order to your carrying on the *King's Service* with that Harmony which ought to subsist between
Officers.

Officers in the Service of the same
Prince.

I have suggested what I thought would be most for your Credit, as well as his *Majesty's Service* ; if it proves a happy Means of Reconcilement, I shall be rejoiced at it, and I thought I could not decently leave this Island without suggesting to you my Thoughts of it.

I am, &c.



Mr.



Mr. *TRELAWNER*'s

A N S W E R.

St. Jago de la Vega,
Oct. 5, 1742.

S I R,

I Have received your Letter of Yesterday's Date, and as I am entirely of your Opinion, that Harmony ought to subsist between Officers in the Service of the same Prince, there is nothing I am so desirous of, as that it should do so between Sir *Chaloner Ogle* and myself, to which nothing shall be wanting on my Part, and I hope and persuade myself Sir *Chaloner Ogle* will not be wanting on his : For that Reason I propose

pose Sir *Chaloner* and I should suspend all Thoughts of the late unhappy Affair, till we are out of our respective Stations, so as we may not talk, or even think of it till then, taking no more notice of it, than if nothing had happened; *for as to Apology, the Case will admit of none on either Side*: If any Dislike should remain with either of us, we may have an Opportunity of shewing it when we return to our private Stations; now we belong to the *King*, we should think of his Affairs only, abstracted from all private Considerations whatever.

It is a Matter of great Surprize to me, how such a Thing should happen between us two. It could not have happened, *if you had not set us a-going*: Nothing like it can happen, I persuade myself, when you are gone, for then I dare say we shall agree as we ought in carrying on his Majesty's Service, as far as we may be concerned together, without any Regard, but to that Service, without any Reference to what is past, without any Animosity or Ill-will. I can answer for myself, and I have the same good Opinion of Sir *Chaloner*. Of myself I am
C sure ;

sure ; for you have put me to the Proof more than once. I have never of late met in Council, but with a Dread of some *Rudeness* from you, past the Power of bearing. It is a Pleasure to me to speak my Mind, now that you are going : Thanks to his *Majesty*, and I am glad his Service requires my dissembling Injuries no longer. When you first came, I thought you warm for *your Country's Honour*, and on that Account was even subservient to you in what little I was able to assist, but since your Expedition to *Cuba*, you have shewn yourself in a different Light ; your private Resentment and Animosity have risen so high, that you have sacrificed, in my Opinion, *your Country's*, and even *your own Honour* to those wrong Passions, acting not in Concert and Harmony, (as you think right for Sir *Chaloner* and me to do) with your Fellow Servants for the *public Good*, but as an Enemy, out of Spite to them, to your *King* and *Country*, and as such I am avowed by

Yours, &c.



F I N I S.

e
e
f
k
:
d
-
;
's
en
as
on
a
nt
at
ur
ur
in
nk
ith
ood,
em,
uch

